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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,360	08/06/1999	HEIKO HOLZHEUER	P99.1523	6693

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SCHIFF, HARDIN & WAITE
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,360

Applicant(s)

HOLZHEUER, HEIKO

Examiner

Tadesse Hailu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the Applicant's Arguments/Remarks submitted/entered on July 23, 2003.
2. The pending claims 1-6, 8-14, 16-19 are examined herein as follows:

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, 8-14, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirolli et al (5,895,470).

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The present invention is directed to navigating and searching document. Similarly, Pirolli et al (5,895,470) discloses a system for categorizing documents in a linked collection of documents.

Regarding to claim 1, as in the present claimed invention, Pirolli discloses a computer system comprising a processor, a pointing device and a graphic display (Fig. 14). Pirolli also discloses a software tool or browser (col 6, lines 4-26) which enables a user to traverse through and view documents residing on the Web. Pirolli also identifies and categorizes document according their similarities related to the focus document or starting document (see Abstract, col 10, lines 17-29); also shown in Fig. 7, an asymptotic pattern activation over nodes or symbols are illustrated or characterized by graph bars 704 contained in the nodes at activated network 703, thus, the characteristic given to said node defines the degree of predicted relevance of web pages to the starting set of focus web pages (col 10, lines 17-29). Moreover, Pirolli clearly discloses measure of similarity of a staring document to a plurality of other documents using a dot product method (see Fig. 4, col 7, lines 49-63, and elsewhere).

Pirolli further discloses a graphical visualization of ionic representations of a search result including each icon having its own characteristic (see Fig.7). The method claim 10 recites steps performed by the apparatus or device of claim 1 and therefore is rejected under the same rationale.

Regarding claim 2, Pirolli discloses a storage area which holds characteristic vectors that produce the similarity measurements, each extracted from respective said documents (col 15, lines 51-56). The method claim 11

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recites steps performed by the apparatus of claim 2 and therefore is rejected under the same rationale.

Regarding claim 3, Pirolli further discloses a storage area holds a number of said characteristic vectors, wherein said number and selection of said document is determined both by predefined criteria and by determining the links within said document (col 7, lines 11-63). The method claim 12 recites steps performed by the apparatus of claim 3 and therefore is rejected under the same rationale.

Regarding claim 4, Pirolli further discloses measuring similarity by a weights function over the frequencies of words that are common in the document, entries in the vector for a document indicate the presence or frequency of a word in the document (col 7, lines 49-63, col 9, lines 37-49, col 11, lines 58-col 12, lines 9, col 12, lines 37-46). The method claim 13 recites steps performed by the apparatus of claim 4 and therefore is rejected under the same rationale.

Regarding claims 5 and 6, as shown in Figs. 10-11, Pirolli further discloses a text similarity network and corresponding matrix representation (see Fig. 4, col 7, lines 49-63, and elsewhere). Pirolli also indicates that said graphical representation can be shown in color (col 12, lines 37-46). The method claim 14 recites steps performed by the apparatus of claims 5 and 6 and therefore is rejected under the same rationale.

Regarding claims 8 and 9, Pirolli further discloses manipulating the graphical representation using a mouse pointer to generate selection of words

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wherein said focus document is determined by the higher frequency of said selection of words within said documents (see fig. 7, #701, column 10, lines 17-40). The method claims 16 and 17 recite steps performed by the apparatus of claims 8 and 9 respectively and therefore is rejected under the same rationale.

Regarding to claims 18 and 19, Pirolli further describes arrangement or topology network for a Web locality and the corresponding matrix representation (figs. 8-9). Pirolli further describes a dot matrix (or cosine function) function (a well know mathematical function) to calculate the similarity vector (distance) from any of the nodes to the focus node (fig. 4, column 7, lines 49-63).

Response to Arguments

5. Applicant's arguments filed July 23, 2004 have been fully considered but they are not persuasive. Applicant argues that "Pirolli does not anticipate the present invention because it fails to reach the of a similarity measure calculated between a starting document and each other document with document symbols displayed by a computer graphical display being augmented by a marking dependent on the calculated measure of similarity." The Examiner disagrees. As the Examiner understood Pirolli, Pirolli (5,895,470) anticipates the claimed invention. Pirolli discloses measure of similarity as specified in claim 1 (see column 10, lines 17-29, also see col 7, lines 49-63). Also, as illustrated in similarity matrix in Fig. 11 and as described at column 11, lines 16-19), Pirolli shows inter-document similarity of pages between any pages (i, j).

Applicant also states " the strength associations of Pirolli are displayed in the links between documents and not within the documents themselves;" The

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examiner disagrees. Pirolli does not only show how similar the pages are by width of the lines connecting the various pages (Fig. 10), but as illustrated in similarity matrix in Fig. 11 and as described at column 11, lines 16-19), Pirolli also shows inter-document similarity of pages between pages (l, j).

Applicant furthermore argues "Pirolli does not focus on a relation to a central document for display purposes." The Examiner disagrees. Pirolli discloses document *Visualization* for traversing through and view documents residing on the web (see *Visualization*, column 12, lines 48-57).

Applicant also argues "Pirelli's display focuses on a between-document relationship and does not utilize the concept of a starting document for display purposes." The Examiner disagrees. Pirolli describes a spreading activation technique is applied to the networks starting at a focus document to predict the documents relevant to the focus document (Abstract, column 10, lines 17-29). Pirolli further describes *Visualization technique* for viewing these documents, such as web pages (column 10, lines 17-29, column 12, lines 48-57).

Applicant also argues that "there is no computer generation and display of what is shown in Fig. 7, and therefore, the document symbols cannot be augmented by a marking dependent on the calculated measure of similarity." Again, the Examiner disagrees because Pirolli disclose visualization means for viewing these marked documents or web pages (see *Visualization*, column 12, lines 48-57).

Examiner also noted Applicant's mentioning Examiner's previous position of Pirolli.

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Having fully addressed the Applicant's argument, the rejection still stands.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

8 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Tadesse Hailu November 12, 2004


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173